

IN THE MATTER OF

Complaint by The Police under s 74 of the Private Security Personnel and Private Investigators Act 2010 against **SELULO FAGATOA**

HEARD by telephone on 14 January 2022

APPEARANCES

Snr Constable D Leahy for NZ Police
S Fagatoa – no appearance

DECISION

[1] The Police have made a complaint against Selulo Fagatoa as he was convicted of indecent assault on 4 August 2021. The complaint replaces two earlier complaints filed against Mr Fagatoa which were put on hold until there was an outcome on the charges he was facing.

[2] The indecent assault for which Mr Fagatoa has been convicted occurred while Mr Fagatoa was working as a security guard. A separate charge of indecent assault that occurred while Mr Fagatoa was dressed in his security uniform was withdrawn after the victim left Auckland and no longer wanted to proceed with the hearing. Mr Fagatoa's behaviour during that incident however amounts to misconduct as defined in the Act.

[3] A conviction for indecent assault is grounds for disqualification under s 62 of the Act and is a mandatory ground for cancellation of Mr Fagatoa's certificate of approval. Therefore, under s 82 of the Act I must cancel Mr Fagatoa's certificate if I am satisfied that because of his conviction he is no longer suitable to be a certificate holder.

[4] Mr Fagatoa committed the offence for which he was convicted while working as a security guard and the victim was only 16. Mr Fagatoa did not appear at the hearing and has not applied for waiver of the grounds for disqualification.

[5] Based on all the information before me I am satisfied that because of his disqualifying conviction Mr Fagatoa is no longer suitable to be a certificate holder. Mr Fagatoa's certificate of approval is accordingly cancelled effective immediately.

DATED at Wellington this 14th day of January 2022


P A McConnell
Private Security Personnel Licensing Authority

